

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
ABILENE DIVISION**

**IN RE:  
ROBERT ALLEN WITHERSPOON**

**CASE NO. 12-10373 - RLJ -13**

**Hearing Date: 2/27/2013**

**DEBTOR(S)**

**Hearing Time: 11:00 AM**

**TRUSTEE'S OBJECTION TO CONFIRMATION OF PLAN**

**TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:**

COMES NOW WALTER O'CHESKEY, Standing Chapter 13 Trustee (hereinafter referred to as Trustee), and files this Objection to Confirmation in opposition to confirmation of Debtors' Chapter 13 Plan and Motion for Valuation filed herein by the above debtor(s), and would respectfully show the Bankruptcy court:

- 1 Debtor(s) filed for relief under Chapter 13 of the United States Bankruptcy Code on 12/18/2012.
- 2 Debtor(s) are above median income per 11 U.S.C. Sec. 1325 (b)(4).
- 3 Trustee alleges the Schedule I income cannot be verified until all income records are provided to the Trustee.
- 4 Trustee alleges the income records for Mrs. Witherspoon's new employment income were requested at the Section 341 Meeting of Creditors.
- 5 Trustee alleges the expenses in Schedule J are excessive in a less than 100% Plan. Trustee alleges the excessive expenses lower the available monthly disposable income at the expense of the unsecured creditor class.
- 6 Trustee is unable to verify all available monthly disposable income is being committed to the Plan and objects to confirmation in accordance with 11 U.S.C. 1325 (b)(1)(B).

WHEREFORE, the Trustee prays that the Bankruptcy Court deny Confirmation of the Debtor(s) Chapter 13 Plan and Motion for Valuation and for such other relief to which this bankruptcy estate may be justly entitled.

Date: 2/19/2013

Respectfully submitted,  
/s/ Walter O'Cheskey  
6308 Iola Avenue  
Lubbock, TX 79424

I hereby certify that a true and correct copy of the foregoing Trustee's Objection to Confirmation was this date served on the following parties at the addresses listed below by electronic service or by U.S. First Class Mail:

Debtor(s) Attorney  
MONTE J WHITE & ASSOCIATES PC  
ATTORNEY AT LAW ABILENE  
402 CYPRESS SUITE 310  
ABILENE TX 79601-0000

Debtor(s)  
ROBERT ALLEN WITHERSPOON  
  
373 COTTON CANDY RD  
  
ABILENE TX 79602

Date: 2/19/2013

/s/ Walter O'Cheskey  
Office of the Standing Trustee

ROBERT ALLEN WITHERSPOON  
373 COTTON CANDY RD  
ABILENE TX 79602